IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1970 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAMESHCHANDRA B RAJPUT

Versus

STATE OF GUJARAT & OTHERS

Appearance:

NOTICE SERVED for Petitioner No. 1

MR NC THAKKER, AGP for Respondent No. 1-3

CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 03/08/2001

ORAL JUDGEMENT

The petitioner, who was appointed as Armed Police Constable, Badge No.1464, Ahmedabad City Police was placed under suspension, in view of the fact that a Criminal Case bearing 140 of 1988 in the Crime Register at Shahibaugh Police Station was registered against the petitioner for alleged offences under provision of Sections 66(1)(b) and 85(1)(3) of the Prohibition Act as well as Sections 110 and 117 of the Bombay Police Act.

The petitioner had challenged his order of transfer also but the said claim was given up and now the order of suspension dated 15th April, 1988 only remains under challenge.

2. Though the petitioner has been duly served with the notice, there is no appearance on behalf of the petitioner.

3. Mr.NC Thakker, learned AGP has appeared on behalf of the respondents and made a statement to the effect that the petitioner has been acquitted of the criminal offences with which he was charged.

4. In view of the aforesaid statement, no reason for passing the impugned order of suspension survives.

5. In view of these circumstances, the petitioner shall approach respondent Nos.2 and 3 for being reinstated in service, in case he has not already been asked to join duty while withdrawing the impugned order dated 15th April, 1988.

6. The petition is thus allowed with the aforesaid terms. Rule is made absolute. Interim relief granted in terms of para 13(d) is made absolute in the aforesaid terms. No order as to costs.

Office is directed to send a copy of the writ to the petitioner.

(D.A. Mehta, J)
'Bhavesh'